

**STATE OF INDIANA – CLINTON COUNTY  
IN THE CIRCUIT AND SUPERIOR COURT**

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Notice of Proposed New Local Rule and Local Rule Amendment,  
Finding Good Cause to Deviate from Established Schedule, and  
Request for Supreme Court Approval  
**November 15, 2013**

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The judges of the Clinton Circuit Court and Clinton Superior Court, pursuant to Trial Rule 81(B), give notice of a new local rule concerning civil case assignments and a proposed amendment to their local court rule concerning court reporter fees. The **proposed new rule concerning civil case assignments** will be added at **LR12-AR 1(E)-Rule 03**. The remaining rules will be renumbered accordingly. The local rule for criminal case assignments at LR12-CR 2.2-Rule 01 will not change. Our caseload allocation plan for criminal and civil case assignments is hereby submitted for approval. The **court reporter services rule** at **LR12-AR15-Rule 07** will be amended to increase the **transcript preparation fees** from **\$4.00** per page to **\$4.50**. We find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is requested for the proposed new rule on civil case assignments, the caseload allocation plan, and the amended rule on court reporter transcript fees.

Notice will be given to the public by posting with the Clinton County Clerk and on the Indiana Judicial Website, and by furnishing a copy to the officers of the Clinton County Bar Association.

Comments may be made until **December 15, 2013** to Judge Justin H. Hunter, Clinton Superior Court, 320 Courthouse Square, Frankfort, IN 46041-1963, or by email to [jhunter@clintonco.com](mailto:jhunter@clintonco.com).

The **effective date** of the new and amended rule, and the caseload allocation plan, will be **January 1, 2014**.

DATED this 15th day of November, 2013.

\_\_\_\_\_/S/\_\_\_\_\_  
Justin H. Hunter, Judge  
Clinton Superior Court

\_\_\_\_\_/S/\_\_\_\_\_  
Bradley K. Mohler, Judge  
Clinton Circuit Court

**LR12-AR 1(E)-RULE 03**  
**FILING IN CIVIL CASES**

**3.10 General Provisions.**

All small claims cases, infraction cases and ordinance violations shall be filed in the Superior Court. All juvenile and paternity cases shall be filed in the Circuit Court. Unless governed separately by statute or Indiana Rules of Court, other civil cases shall be filed in the Court designated by the filing party, except as provided in Rule 3.20.

**3.20 Exceptions.**

a. A petition to expunge or seal a Clinton County criminal conviction shall be filed in the court where the conviction order was issued; however, if the petitioner seeks to expunge more than one conviction, the petition shall be filed in the Court where the most recent conviction occurred.

b. A petition for issuance of a protective order shall be filed in the court having jurisdiction over a divorce or paternity case involving the same parties.

c. A petition for issuance of a protective order filed against a respondent who is under the age of eighteen (18) years shall be filed in the Clinton Circuit Court.

d. Any other petition for issuance of a protective order shall be filed in the Clinton Circuit Court in even-numbered months and in the Clinton Superior Court in odd-numbered months.

**LR12-AR15-RULE ~~07~~ 08**  
**COURT REPORTER SERVICES**

7.10 General Provisions. The undersigned courts comprise all of the courts of record of Clinton County, Indiana and hereby adopt the following local rule by which court reporter services shall be governed.

7.20 Definitions. The following definitions shall apply under this local rule:

- a. A *Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- b. *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- c. *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- d. *Page* means that page unit of transcript which results when a recording is transcribed in the form required by Indiana a Rule of Appellate Procedure 7.2.
- e. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- f. *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- g. *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- h. *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
- i. *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- j. *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Clinton County.

k. *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

l. *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

m. *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

7.30 Salaries and Per Page Fees. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. Salary does not include transcription fees. The supervising court shall enter into a written agreement with the court reporters which outline the manner in which the court reporter is to be compensated for gap and overtime hours by monetary pay or compensatory time off. Should court reporters work over 40 hours in one week on regular Court business, they should be paid time and a half or receive one and one-half times overtime worked. The Council has requested a 32 hour work week.

7.40 The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be as follows:

a. ~~\$4.00~~ **\$4.50** generally

b. ~~\$5.00~~ **\$5.50** for transcription of older cases. Older cases are those in which the hearing was held in excess of four (4) years prior to the date the transcription is requested.

c. ~~\$6.00~~ **\$6.50** for expedited. Expedited transcripts are those which are requested to be completed within five (5) days.

7.50 The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~\$4.00~~ **\$4.50**; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

7.60 The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~\$4.00~~ **\$4.50**.

7.70 Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

7.80 Private Practice. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, and the court reporter desires to utilize the court's equipment and work space, and the court agrees to the use of the court equipment for such purpose:

a. The court reporter shall provide his/her own supplies; and

b. Court Reporter shall maintain records regarding use.

c. Work shall be conducted outside of regular working hours if a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript.